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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,230	04/24/2001	Stuart Gerald Stubblebine	2455-4230US3	5050

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03/17/2008

EXAMINER
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ZEE, EDWARD

ART UNIT	PAPER NUMBER
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2135

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/840,230	<b>Applicant(s)</b> STUBBLEBINE, STUART GERALD	
	<b>Examiner</b> EDWARD ZEE	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the amendments filed on January 8<sup>th</sup>, 2008. Claim 56 has been amended; Claims 52-55 have been cancelled; Claim 56 is pending and has been considered below.

#### ***Claim Objections***

2. Claim 56 is objected to because of the following informalities: the Examiner notes that the phrase "for" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention; and should be amended to "configured to" or the like. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 56 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The terms "long-term" and "short-term" in claim 56 are relative terms which renders the claim indefinite. The terms are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner notes that a "long-term policy" and "short-term policy" will be interpreted as a "policy" when considering the claim below.

6. Claim 56 recites the limitation "said request" in lines 14, 28 and 29. There is insufficient antecedent basis for this limitation in the claim. The Examiner notes that there appears to be two separate requests disclosed in the instant claim, a first request by the user computer for an identification certificate, and a second request by the user computer for validation and/or verification of an identification certificate. Therefore, "said request" will be interpreted as "a request" when considering the claim below.

***Claim Rejections - 35 USC § 102***

7. The amendments filed on January 8<sup>th</sup>, 2008 have been considered and effectively overcome the previous 35 U.S.C. 102 rejection. Therefore, the claim rejection to Claim 56 has been withdrawn.

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The amendments filed on January 8<sup>th</sup>, 2008 have been considered and effectively overcome the previous 35 U.S.C. 103 rejections. Therefore, the claim rejections to Claims 52-55 have been withdrawn.

**10. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muftic (5,745,574) in view of Van Oorschot et al. (5,699,431).**

***Claim 56:*** Muftic discloses a system that includes a security policy server, an identification authority server, a revocation authority server, verification authority server, and a user computer, comprising:

a. a module within the identification authority server(*ie. certificate authority*) that, pursuant to a policy received from said security policy server(*ie. policy certificate authority*) and a request from said user computer(*ie. the station desiring certification*), prepares and sends to said user computer, via a public network(*ie. open network, internet, etc.*) to which said user computer, identification authority server, revocation authority server, and said verification authority server are connected, an identification certificate(*ie. certificate with at least public key*) that includes a freshness constraint(*ie. validity period*) represented by a time duration referenced to time of a request by said user computer [column 11, lines 21-53];

b. a module within said revocation authority server for storing in a memory a validity statement(*ie. certificate revocation list*) in response to a received policy(*ie. updated lists*), and for updating said validity statement at specified intervals(*ie. next scheduled update date and time*), said validity statement including a verification status at some temporal reference [column 13, lines 1-12];

c. means for providing, in response to a request initiated by said user computer(*ie. sending Verify\_Certificate message*), said identification certificate(*ie. user's certificate*) and said validity statement(*ie. certificate revocation list*) retrieved from said memory, to said verification authority server, via said public network(*ie. to ensure validity of a certificate, it is verified against certificate revocation lists*) [column 7, lines 1-20 & column 13, lines 42-52];

While Muftic suggests verifying that a certificate is within the valid time duration and that the certificate is not identified on a certificate revocation list(*ie. ensuring validity of a certificate*) [column 7, lines 1-20], Muftic does not explicitly disclose a module within said verification authority server for verifying that a request is within said time duration and said validity statement permits serving a request by said user computer.

However, Van Oorschot et al. discloses a similar system, and further discloses a module for verifying that a request is within said time duration(*ie. prudent system users verify that current time precedes the expiry date*) and said validity statement permits serving a request(*ie. extracting key*) by said user computer(*ie. verify certificate in question does not appear on the most recent valid CRL before extracting for use any public key from a certificate*) [column 2, lines 1-8].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to further modify the invention disclosed by Muftic with the additional features disclosed by Van Oorschot et al. in order to effectively verify that a certificate in question is indeed valid, as suggested by Muftic [column 13, lines 30-31] and Van Oorschot et al. [column 2, lines 1-8].

***Response to Arguments***

11. Applicant's arguments with respect to claim 56 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD ZEE whose telephone number is (571)270-1686. The examiner can normally be reached on Monday through Thursday 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EZ

March 5<sup>th</sup>, 2008

/KIMYEN VU/

Supervisory Patent Examiner, Art Unit 2135